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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,480	06/01/2000	Frank Reisinger	P00.0955	8303

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Steven H Noll
Schiff Hardin & Waite
Patent Department
6600 Sears Tower
Chicago, IL 60606

EXAMINER

CHARLES, DEBRA F

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,480

Applicant(s)

REISINGER, FRANK

Examiner

Debra F. Charles

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3628

DETAILED ACTION

1. In view of the appeal brief filed on June 5, 2003, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office Action is non-final) or a reply under 37 CFR 1.113 (if this Office Action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allocca et al. (U.S. PAT. 4138735A) and Storace et al. (U.S. PAT. 4787045A).

Re claim 1: Allocca et al. disclose an arrangement for loading rate table data comprising:

Art Unit: 3628

a postage meter(Abstract, col. 3, lines 25-45, i.e. "a postage scale and/or meter");

an external scale having a postage calculator(Abstract, col. 3, lines 25-45, i.e. "adapted to compute the requisite postage or other transportation charges for an article placed upon the weighing tray of the scale" and "the transmitting station is adapted to transmit encoded postage rate revision tables or charts simultaneously to many remote field postage scales and/or meters for revision of postage rate lookup tables stored";

a modem which receives rate table data from an external source (Abstract, col. 3, lines 60-67, i.e. "The digital data block, generated in serial format, is first encoded into audio tones at a tone encoder such as a Motorola 6860 low speed modem and recorded. Audio tone modulated carrier wave transmission at a radio transmitter permits simultaneous timely entry of the revised postage rate charts into a large number of postage scales and/or meter"); and

Re claims 2 and 11: Allocca et al. disclose comprising a postage meter machine containing said postage meter (Abstract, Cols. 1-5 and 6, Lines 1-21).

Re claim 3: Allocca et al. disclose said postage meter machine comprises an input/output control module containing a modem interface and a scale interface,

Art Unit: 3628

and wherein said postage calculator comprises a postage calculator interface, said switchover module being connected between said modem interface, said scale interface and said postage calculator interface and said scale comprising means for supplying a signal on said control line to switch said switchover module to a switching state wherein said postage calculator, via said postage calculator interface, directly receives said rate table data (Abstract, Cols. 1-5 and 6, Lines 1-21).

Re claim 4: Allocca et al. disclose said switchover module comprises a first contact group connected to said modem, and connected to said modem interface via a first set of four lines, a second contact group connected to said postage calculator interface and to said scale interface via a second set of four lines, and a driver connected to said control line for operating said first and second contact groups to set said switching state of said switchover module dependent on a signal on said control line (Abstract, Cols. 1-5 and 6, Lines 1-21).

Re claims 13 and 14: Allocca et al. disclose said external modem are combined to form a docking station. And said postage calculator are combined and are both disposed externally from said postage meter machine (Abstract, Cols. 1-5 and 6, Lines 1-21).

As applied to claims 1,2,3,4,11,13 and 14: Allocca et al. do not explicitly disclose a switchover module connected between said postage meter, said scale and said

Art Unit: 3628

modem and having a control line for setting a switching state of said switch over module to selectively conduct data downloading of rate table data directly from said external source to said postage calculator exclusively via said modem and said switchover module; wherein said switchover module is contained within said postage meter machine; and wherein said modem switchover module is disposed externally of said postage meter machine. However, in Abstract, col. 9, lines 24-67 thereof, Storace et al. disclose(s) updating rate changes in a manner transparent to the user and updating rates in both a scale and a postage meter. Thus, it would have been within the level of ordinary skill in the art to modify the method of Allocca et al. by adopting the teachings of Storace et al. The motivation to combine these references is in order to send data from a data center to either a meter or a scale, the system would require some type of intermediating technology that facilitates this transfer of data. Therefore, a switchover module would be an obvious addition to the applicant's invention.

Re claim 5: Allocca et al. disclose said postage calculator interface comprises an RS-232 interface, and wherein each of said first and second sets of four lines comprises a TXD transmission line, an RXD reception line, a DTR reception readiness line, and a DSR transmission readiness line (Abstract, Cols. 1-5 and 6, Lines 1-21).

Re claim 6: Allocca et al. disclose said control line is also connected to said postage calculator interface, which supplies said signal on said control line to set

Art Unit: 3628

said switching state of said switchover module(Abstract, Cols. 1-5 and 6, Lines 1-21).

Re claim 7: Allocca et al. disclose said scale comprises a keyboard having an actuatable selection key, said keyboard being at least indirectly connected to said postage calculator interface and actuation of said selection key causing said signal to be generated on said control line for setting said switching state of said switching module to cause said rate table data to be directly supplied to said postage calculator(Abstract, Cols. 1-5 and 6, Lines 1-21).

Re claim 8: Allocca et al. disclose said postage calculator operates with existing rate table data and wherein said rate table data from said external source comprise updated rate table data, and wherein said postage calculator includes a first memory area wherein said existing rate table data are stored and a second memory area wherein said updated rate table data are stored after actuation of said selection key, said updated rate table data including conversion data identifying an effective date of the updated rate table data, and said postage calculator having a third memory area in which said conversion data are stored, and said postage calculator automatically replacing said existing rate table data with said updated rate table data at a time of first use of said postage calculator following said effective date(Abstract, Cols. 1-5 and 6, Lines 1-21).

Art Unit: 3628

Re claim 9: Allocca et al. disclose said updated rate table data further include data representing additional information, and wherein said postage calculator has a fourth memory area for storing said data representing additional information(Abstract, Cols. 1-5 and 6, Lines 1-21).

Re claim 10: Allocca et al. disclose said scale comprises a clock/date module connected to said postage calculator, and wherein said postage calculator is programmed to automatically compare a date supplied by said clock/date module with said conversion data and to replace said existing rate table data with said updated rate table data when said conversion data equal or follow said date supplied by said clock/date module(Abstract, Cols. 1-5 and 6, Lines 1-21).

Re claim 12: Allocca et al. disclose said scale with said postage calculating module is external from said postage meter machine(Abstract, Cols. 1-5 and 6, Lines 1-21).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Liechti, Hans-Peter (EP 0717376A2) disclose a postage meter device, system and method for communications with postage meters.

Herbert, Raymond John (GB 2227453A) disclose a franking machine communication system.

Art Unit: 3628

Bernard et al. (U.S. PAT. 5717596A) disclose a method for franking, accounting and billing for mail and services.

Miyashita et al. (U.S. PAT. 6381236B1) disclose a bi-directional digital transmission method, and system, for sending and receiving digital transmission signals having a frame configuration.

Shimizu et al. (U.S. PAT. 5422520A) disclose a device for automatically controlling the switchover of a regular and standby control board.

Karl (U.S. PAT. 6314297B1) disclose a communication system with one mobile communication device.

Manduley et al. (U.S. PAT. 4649490A) disclose a computation and control module suitable for use in various postal scales.

Thiel (U.S. PAT. 6226626B1) disclose a data processing system that detects and scans mail.

Markl et al. (U.S. PAT. 5710706A) disclose a method for entering data into a scale via a serial interface.

Bass et al. (U.S. PAT. 6041319A) disclose a postal scale system that is updated by telephone or other communication means.

Hunter et al. (U.S. PAT. 5666292A) disclose an external device having message routing and protocol conversion.

Brookner et al. (U.S. PAT. 5737426A) disclose remote and secure feature enabling for an electronic postage meter.

Blomfield-Brown (U.S. PAT. 5625678A) disclose multiple application programs to communicate in the context of a switched voice and data communication system.

Art Unit: 3628

Hong et al. (U.S. PAT. 6359894B1) disclose communications server system enables multiple remote users to simultaneously access a network.

Hirano et al. (U.S. PAT. 6392173B1) disclose an automatic switchover device for a power source.

Balenger (U.S. PAT. 4512432A) disclose electronic scale with a weight transducer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5771.

Debra F. Charles
Examiner
Art Unit 3628


Application/Control Number: 09/586,480

Page 10

Art Unit: 3628

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August 8, 2003


HYUNG SOUH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600